

## IN THE UNITED STATES COURT OF FEDERAL CLAIMS

THE PORTLAND MINT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	No. 20-518C
	)	(Judge Horn)
THE UNITED STATES,	)	
	)	
Defendant.	)	
	)	

DEFENDANT'S MOTION  
FOR LEAVE TO EXCEED THE PAGE LIMITS

Pursuant to Rule 7(b) of the Rules of the United States Court of Federal Claims (RCFC), defendant, the United States, respectfully requests leave to exceed the 20-page limit under RCFC 5.4(b) by ten pages in its Reply in Support of Its Motion To Dismiss Plaintiff's First Amended Complaint (reply) that the Government will file on February 19, 2021. We discussed this request with counsel for plaintiff who indicated that Portland opposes this motion.

The Government requests leave to exceed the page limit for two reasons. First, the United States Mint (Mint) issued a final determination regarding plaintiff, the Portland Mint's (Portland), coin submission on December 20, 2020, after we filed our motion to dismiss on December 4, 2020. Defendant's Motion To Dismiss Plaintiff's Amended Complaint (Def. Mot.), ECF No. 21. Like Portland's amended complaint, our motion referenced the Mint's internal investigation and report, and we further alerted the Court that the Mint was preparing a letter informing Portland that it was officially denying redemption, following up from oral notification of the same. Def. Mot. 7 n. 4-5, 31. The Mint's evaluation of Portland's coins—which concluded with the Mint's official determination—was referenced in both of Portland's complaints. *See, e.g.*, Plaintiff's First Amended Complaint, ECF No. 14, ¶ 61.

Nevertheless, in its response to our motion to dismiss, Portland contends that the Court may not consider either the Mint's investigation or the Mint's determination letter. Plaintiff's Opposition to Defendant's Motion To Dismiss Plaintiff's First Amended Complaint (Pl. Resp.), ECF No. 24, at 7-9. In addition, Portland contends that the Court should exclude the Mint's determination from this lawsuit and prohibit the Government from relying upon it. *Id.*; *see also*, Pl. Resp. at 25-27.

In order to adequately address Portland's claims, the Government must be able to provide a thorough and detailed analysis of whether the Court may consider the Mint's determination in analyzing the Government's motion to dismiss as well as how the Mint's determination affects Portland's ability to establish jurisdiction and state a claim. The Mint's determination that the coins are counterfeit, which is the result of an investigation that Portland admits it was aware of (including in its complaint and amended complaint), certainly has bearing on whether Portland can establish jurisdiction or state a claim in this Court. Moreover, Portland was aware of the Mint's continuing investigation, and that fact that it was not concluded at the time Portland filed in this Court, but it still filed its complaint. Portland's premature filing in this Court, however, cannot obviate the Mint's investigation or that investigation's relevance to this lawsuit. Further, allowing us to address these issues now would enhance judicial efficiency.

In addition to addressing these issues, the United States must also reply in support of its motion to dismiss Portland's six count complaint. The Government respectfully requests ten additional pages so that it may respond to all of Portland's arguments and allegations.

For these reasons, we respectfully request that the Court grant our motion for leave to exceed the page limit imposed by RCFC 5.4(b).

Respectfully submitted,

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